

ERIC M. MUNGO, SR.,
Plaintiff,

v.

CONSOLIDATED METCO, INC.,
Defendant.


This language means that if the plaintiff has any evidence to offer to show that there is a genuine issue for trial, he must now present it to this Court in a form which would otherwise be admissible at trial, i.e., in the form of affidavits or unsworn declarations. An affidavit is a written statement under oath; that is, a statement prepared in writing and sworn before a notary public. An unsworn statement, made and signed under the penalty of perjury, may also be submitted. Affidavits or

statements must be presented by the plaintiff to this Court no later than April 28, 2006, and must be filed in duplicate. As stated by Rule 56(e), the plaintiff's failure to respond may result in the defendant being granted the relief it seeks by way of summary judgment, that is, the dismissal of the Complaint with prejudice. Copies of the defendant's Motion for Summary Judgment (Doc. No. 29) and Supporting Memorandum (Doc. No. 30) are available through the Courts CM-ECF electronic filing system.

NOW THEREFORE, IT IS ORDERED:

1. The *pro se* Plaintiff shall have until August 25, 2006, to file his response, including any evidence, to Defendant's Motion for Summary Judgment.
2. The Clerk is directed to send copies of this Order and Notice to counsel for the defendant; and to the pro se Plaintiff, that is, Eric Mungo, 310 N. Thompson Street Monroe, NC 28112.

Signed: August 3, 2006


Robert J. Conrad, Jr.
Chief United States District Judge

